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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,700	07/25/2001	John Ross Campbell	821-111US	3993

23716 7590 09/29/2003

ANTHONY ASQUITH
28-461 COLUMBIA STREET WEST
WATERLOO, ON N2T 2P5
CANADA

EXAMINER

WALLS, DIONNE A

ART UNIT PAPER NUMBER

1731

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/911,700	CAMPBELL, JOHN ROSS	
	Examiner	Art Unit	
	Dionne A. Walls	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Renumbering

Applicant mistakenly presented claims having "Claim 12" listed twice. Therefore, the last two claims have been renumbered, according to 37 CFR 1.126, as claims "13" and "14". Because of this change, there are now 14 claims pending in the Application.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "30X", "30Y". Also, there are reference lines, in figure 4, that do not correspond to any reference numbers. These lines should be deleted from the drawing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Art in view of Sellars (US. Pat. No. 6,203,635).

Regarding claims 1-2, 7-8 and 11, Applicant already admits that a process for making panels in which cut-out shapes of glass are laminated to a base pane is known

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in the art. The cut-out pieces are cut from the same piece of glass as the base-pane to which the pieces are adhered. The shaped pieces are adhered to the base pane by placing the base-pane, with the shaped-pieces laid thereon, into a kiln or furnace. The heat causes the surface of the glass items to melt, and the pieces then fuse together (see instant specification pages 1-2). While Applicant may not specifically state that the cut-out pieces are first cut in a numerically-controlled, water jet-type glass-cutting machine, Applicant does state, on page 6 of the instant application, that numerically-controlled water-jet glass cutting machines are well-known, and that such machines have been employed for cutting many materials, including glass. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize such a machine, which would have the claimed structural/functional limitations, to cut the claimed glass pieces since use of this type of machine is well-known in many arts – as admitted by Applicant. Also, while Applicant may not specifically state that a template is provided, having apertures which correspond to the cut shapes of the shaped pieces; and positioning the shaped-pieces on the base-plane using the apertures in the template to located the pieces in position, Sellars discloses, in an invention relating to the bonding of glass pieces to another glass sheet to form a decorative glass panel, the use of a template which can have apertures in which a series of glass pieces are placed in the correct configuration. The template is provided so that it can be releasably secured to the surface, and the outline of the apertures match, but is slightly larger than, the outline of the cluster of glass pieces (see col. 1, lines 1-7; col. 2, lines 6-67; see figs.). Therefore, it would have been obvious to one

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having ordinary skill in the art at the time of the invention to utilize a template, such as disclosed in Sellars, in the procedure for manufacturing glass panels disclosed in Applicant's Admitted Art in order to allow precise positioning of the glass pieces to form the decorative glass clustered arrangement to be aided as taught in Sellars (see col. 2, lines 30-32)

Regarding claims 3-4, while there may be no articulation that the apertures in the template are also cut out on an NC machine, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize the same device for cutting the glass to also cut the template apertures since, as admitted by applicant, these machines have been employed for cutting many materials, and it is obvious that such machine would not only be capable of cutting glass pieces but also for producing interior cut-out within sheets of material.

Regarding claim 5, while the combined references may not specifically articulate a "coatings template" to be placed over a base-plane and applying coloring material onto the base plane through apertures in the coating template, the Examiner believes that the template of Applicant's Admitted Art modified by Sellars can also serve as a coating template for applying coloring material since, as admitted by Applicant, it is known for decorative glass pieces to be supplied pre-colored before being applied to the base panel (see page 3).

Regarding claim 6, it would have been obvious to one having ordinary skill in the art at the time of the invention to place the shaped-pieces in the template apertures manually since, as stated by Applicant, most decorative glass panels are prepared by

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hand (see page 1). Therefore, while it may have been obvious to one having ordinary skill in the art to cut the glass pieces using a water-jet cutting device, it would also have been obvious, since done previously, to manually (by hand) place the glass pieces into the desired apertures in the template in order to ensure an artistically-designed glass panel that is partly handcrafted – since such “handicraft” characteristic is marketable to the consumer.

Regarding claims 9-10, it would have been obvious to one having ordinary skill in the art at the time of the invention to remove or retain the template prior to placing the glass panel with shaped-pieces thereon based on user preference, economics, and the desirability of the artisan to reuse the templates.

Regarding claim 12, while there is no specific articulation in the combined references of fixing the template before placing the shaped-pieces, it would have been obvious to one having ordinary skill in the art at the time of the invention to do so before positioning the glass items in order to secure the template so that the glass pieces can be placed with negligible lateral movement.

4. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Art in view of Sellars (US. Pat. No. 6,203,635) as applied to the claims above, and further in view of Cocolas et al (“Overglazes on Glass”).

Regarding claim 13, while the combined references may not articulate placing the template on a backing-sheet in such manner that the shaped pieces can rest upon the backing sheet, and wherein the backing sheet and the shaped pieces are positioned thereon onto the base-pane, Cocalas et al discloses that, in the lamination of glass,

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different decorating medium can be placed between the two pieces that are to be laminated (see page 8). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to place the shaped-pieces on the decorating medium (i.e. backing sheet) which is to lie between the shaped-pieces and the base pane in order to provide for a more aesthetically pleasing glass panel.

Regarding claim 14, Regarding claim 6, it would have been obvious to one having ordinary skill in the art at the time of the invention to place the shaped-pieces in the template apertures manually since, as stated by Applicant, most decorative glass panels are prepared by hand (see page 1). Therefore, while it may have been obvious to one having ordinary skill in the art to cut the glass pieces using a water-jet cutting device, it would also have been obvious, since done previously, to manually (by hand) place the glass pieces into the desired apertures in the template in order to ensure an artistically-designed glass panel that is partly handcrafted – since such “handicraft” characteristic is marketable to the consumer.

Conclusion

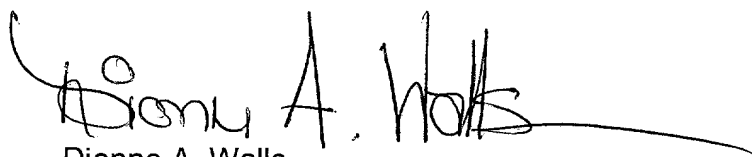
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne A. Walls whose telephone number is (703) 305-0933. The examiner can normally be reached on Mon-Fri, 7AM - 4:30PM (Every other Friday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (703) 308-1164. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

A handwritten signature in black ink, appearing to read "Dionne A. Walls", with a long horizontal flourish extending to the right.

Dionne A. Walls
September 20, 2003